

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the Commission), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII, and is expressly authorized to bring this action by § 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant SouthEast Waffles, LLC, doing business as Waffle House (Defendant Employer) has continuously been a Tennessee corporation doing business in the state of Tennessee and the city of Nashville, and has continuously had at least fifteen employees.

5. At all relevant times Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ina Cowan filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least approximately June 15, 2005, Defendant Employer has engaged in unlawful employment practices at its restaurant located at 3304 Dickerson Pike in Nashville, Tennessee, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a) and 3(a). The unlawful employment practices involved subjecting Ina Cowan and other female employees, including at least Paula Michelle Clark, Sandy McEwen, and Tammy Walker, to sexual harassment because of their sex.

8. The unlawful sexual harassment included unwelcome sexual touching of Ms. Cowan, Ms. Clark, and Ms. McEwen, and other unwelcome sexual conduct, by John Norman, the cook who was in charge of the third shift.

9. The unlawful sexual harassment also included frequent requests for sexual conduct, and other frequent unwelcome sexual comments made to Ms. Cowan, Ms. Clark, Ms. McEwen, and Ms. Walker, by Mr. Norman.

10. The unwelcome sexual conduct by Mr. Norman was frequent enough and severe enough to alter the conditions of the victim's employment and create an abusive working environment.

11. Ms. Cowan, Ms. Clark, Ms. McEwen, and Ms. Walker each complained to their managers about the unwelcome sexual conduct, but their managers failed to take prompt and appropriate corrective action to end the harassment.

12. The effect of the practices complained of in paragraphs 7 through 11 above has been to deprive Ina Cowan and other women, including at least Paula Michelle Clark, Sandy McEwen, and Tammy Walker, of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

13. The unlawful employment practices complained of in paragraphs 7 through 11 above were intentional.

14. The unlawful employment practices complained of in paragraphs 7 through 11 above were done with malice and/or with reckless indifference to the federally protected rights of Ina Cowan and other women, including at least Paula Michelle Clark, Sandy McEwen, and Tammy Walker.

PRAYER FOR RELIEF

Therefore the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer and its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates against employees because of their sex;

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for female employees, and which eradicate the effects of Defendant Employer's unlawful employment practices described in paragraphs 7-11 above;

C. Order Defendant Employer to make whole Paula Michelle Clark, Sandy McEwen, and Tammy Walker by providing compensation for nonpecuniary losses resulting from the unlawful employment practices, including emotional and psychological pain and suffering, in amounts to be determined at trial;

D. Order Defendant Employer to pay Paula Michelle Clark, Sandy McEwen, and Tammy Walker punitive damages for its malicious and/or reckless conduct, in amounts to be determined at trial;

E. Grant such further relief as the Court deems necessary and proper in the public interest; and

F. Award the Commission its costs of this action.

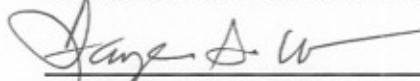
JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

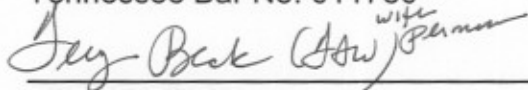
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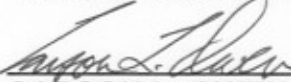
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